

MEMORANDUM TO: Mayor and City Council

VIA: David B. Humpton, City Manager

FROM: Frederick J. Felton, Assistant City Manager

DATE: September 8, 2006

SUBJECT: County Code Requiring Defibrillators at Fitness Centers

During the August 21, 2006 Mayor and City Council meeting, the Mayor and members of the Council raised the possibility of making the County Code that requires defibrillators at commercial fitness centers applicable in the City of Gaithersburg.

As requested, I have attached a copy of Section 24-11A. Essentially, this code requires fitness centers to have at least one Automated External Defibrillator in good working order available when the facility is opened and at least one staff member on duty who is trained in its use.

Based on staff's initial research, it appears that there are 15 private facilities within corporate limits that would be required to have defibrillators if Section 24-11A of the County Code applied in Gaithersburg. Of these 15 facilities, eight already have defibrillators.

I have also attached a draft ordinance that would make the County defibrillator code applicable in Gaithersburg. Please let me know if you would like the draft ordinance scheduled for introduction.

If you have any questions or wish to discuss this matter, please let me know.

Attachments

Ordinance NO.

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE, ENTITLED "ADMINISTRATION", ARTICLE II, ENTITLED "MUNICIPAL-COUNTY RELATIONS", SECTION 2-6 THEREOF, ENTITLED "EXEMPTION FROM MONTGOMERY COUNTY LEGISLATION AND REGULATIONS WITHIN THE CITY" SO AS TO INCLUDE THE PROVISIONS OF SECTION 24-211A ENTITLED "FITNESS CENTERS-DEFIBRILLATORS" OF CHAPTER 24 OF THE MONTGOMERY COUNTY CODE ENTITLED "HEALTH AND SANITATION", AS BEING APPLICABLE AND ENFORCEABLE WITHIN THE CITY

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 2 of the City Code, entitled "administration", Article II, entitled "Municipal-County Relations", Section 2-6 thereof, is hereby amended to read as follows:

CHAPTER 2
ADMINISTRATION

* * * *

ARTICLE II. MUNICIPAL-COUNTY RELATIONS

Sec. 2.6. Exemption from Montgomery County legislation and regulations within the City.

It is hereby ordained by the Mayor and City Council of the City of Gaithersburg, Maryland, that pursuant to the authority granted by Article 23A, Section 2B(a), of the Annotated Code of Maryland, as enacted by Chapter 398 of the Laws of Maryland, 1983, and further pursuant to Chapter 33 of the Laws of Montgomery County, 1984, as codified in Chapter 2, Section 2-96 of the Montgomery County Code (1972 edition, as amended), as may hereafter from time to time be amended, the City of Gaithersburg, Maryland, is hereby declared exempt from any and all legislation and regulations pertaining hereto, heretofore or hereafter enacted by Montgomery County, Maryland, relating to any subject or matter upon which the Mayor and City Council of the City, or the City of Gaithersburg, as a municipal corporation, has been heretofore or is hereafter granted legislative authority, with the following exceptions which shall hereafter be applicable to and within the City of Gaithersburg, Maryland.

Chapter Title, Montgomery County Code 1984, as amended:

Chapter 1 -

* * * *

Chapter 24 – Health and Sanitation, Sec.24-11A of said Chapter

* * * *

ADOPTED this ____ day of _____, 2006, by the City Council of Gaithersburg, Maryland.

Sidney A. Katz, Mayor and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2006. APPROVED/VETOED by the Mayor of the City of Gaithersburg, this ____ day of _____, 2006.

Sidney A. Katz, Mayor

THIS IS TO CERTIFY that the foregoing ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2006, and that the same was approved by the Mayor of the City of Gaithersburg on the ____ day of _____, 2006. This Ordinance becomes effective on the day of ____ day of _____, 2006.

David B. Humpton, City Manager